



September 2010

## **Information Request Questions: Arranger/Generator**

### **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this Information Request.

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this request any information which might otherwise be construed to be outside its scope.
2. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
3. The term "documents" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
5. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
  - a. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
6. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
7. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
8. The term "release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

9. The term "Site" shall mean the [insert the Site name] Superfund Site located at [insert the address of the Site].
10. The term "you" or "Respondent" shall mean [name of individual or small business].  
[language for small business': The term "you" also includes any officer, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business] Company.]

### **GENERAL QUESTIONS**

11. Identify and describe, and provide all documents that refer or relate to:
  - a. The precise location, address, and name of the facility where disposal, treatment, unloading, management, and handling of the hazardous substances occurred. Provide the official name of the facility and a description of the facility where each hazardous substance involved in such transactions was actually disposed or treated.
  - b. If the location or facility of such disposal, treatment, unloading, management and handling is a different location or facility than what was originally intended, please provide all documents that relate and/or refer to why the substances came to be located at the different location or facility.
  - c. All intermediate sites where the hazardous substances involved in each arrangement were transshipped, or where they were stored or held, any time prior to final treatment or disposal.
  - d. The nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous substances involved in each arrangement.
  - e. In general terms, the nature and quantity of the non-hazardous substances involved in each such arrangement.
  - f. The condition of the transferred material containing hazardous substances when it was stored, disposed, treated or transported for disposal or treatment.
  - g. The markings on and type, condition and number of containers in which the hazardous materials were contained when they were stored, disposed, treated, or transported for disposal or treatment.
  - h. All tests, analyses, analytical results and manifests concerning each hazardous substance involved in each transaction. Please include information regarding who conducted the test and how the test was conducted (batch sampling, representative sampling, splits, composite, etc.)
  - i. The final disposition of each of the hazardous substances involved in each arrangement.
  - j. All persons, including you, who may have entered into an agreement or contract for the disposal, treatment or transportation of a hazardous substance at or to the Site [or any transshipment site]. Please provide the persons' titles and departments/offices.

- i. Persons or entities who received the hazardous substances from the persons described in 11(j) above [including, but not limited to (insert list of all transporters)]. Please include their names, addresses, and telephone numbers.
- ii. Any person with whom the persons described in 11(j) made such arrangements [including, but not limited to (insert list of suspected transporters)].
- iii. Every date when each person described in 11(j) made such arrangements.
- iv. The steps you or other persons, including persons identified in 11(j) above took to reduce the spillage or leakage. Please identify any operational manuals or policies (e.g. a facility's spill control policy) which address the management of spills and leaks.
- v. Any amount paid by you, or other persons referred to in 11(j) above in connection with each transaction for such arrangement, the method of payment, and the identity of the persons involved. Please provide any contacts, written agreements, or documentation reflecting the terms of the agreements.
- vi. Any amount of money received by you or other persons referred to in 11(j) above for the sale, transfer, or delivery of any material containing hazardous substances. If the material was repaired, refurbished, or reconditioned, how much money was paid for this service?
- k. Who controlled and/or transported the hazardous substances prior to delivery to the Site? Provide agreements and/or documents showing the times when each party possessed the hazardous substances.
- l. The owner(s) or possessor(s) (persons in possession) of the hazardous substances involved in each arrangement for disposal or treatment of the substances. If the ownership(s) changed, when did this change(s) occur? Please provide documents describing this transfer of ownership, including the date of transfer, persons involved in the transfer, reason for the transfer of ownership, and details of the arrangement(s) such as contracts, agreements, etc. If you did not own the hazardous substances when shipped, who did own it and how did you come to own the hazardous substances?
- m. Who selected the location where the hazardous substances were to be disposed or treated?
- n. How were the hazardous substances or materials containing hazardous substances planned to be used at the Site?
- o. What was done to the hazardous substances once they were brought to the Site, including any service, repair, recycling, treatment, or disposal.
- p. What activities were typically conducted at the Site or the specific facility where the hazardous substances were sent? What were the common business practices at the Site? How and when did you obtain this information?

- q. How were the hazardous substances typically used, handled, or disposed of at the Site?
  - r. How long did you have a relationship with the owner(s) and/or operator(s) of the Site?
  - s. Did you have any influence over waste disposal activities at the Site? If so, how?
  - t. What percentage of your total hazardous substances went to the Site?
  - u. What steps did you take to dispose of or treat the hazardous substances? Please provide documents, agreements and/or contracts reflecting these steps.
  - v. What involvement (if any) did you have in selecting the particular means and method of disposal of the hazardous substances.
  - w. At the time you transferred the hazardous substances, what did you intend to happen to the hazardous substances? Please provide any contracts, written agreements, and/or other documentation reflecting the intention of the parties. If you do not have such documents and/or materials, please so state.
  - x. With respect to all transactions involving hazardous substances, at the time of the transaction, specify the measures you took to determine the actual means of treatment, disposal or other uses of hazardous substances. Provide information you had about the treatment and disposal practices at the Site. What assurances, if any, were you given by the owners/operators at the Site regarding the proper handling and ultimate disposition of the materials you sent there?
  - y. What efforts, if any, did you take to investigate the nature of the operations conducted at the Site and the environmental compliance of the Site prior to selling, transferring, delivering (e.g., for repair, consignment, or joint-venture), disposing of, or arranging for the treatment or disposal of any hazardous substances.
  - z. Was there a shrinkage/spillage provision or loss allowance in the contract, or an understanding outside of the contract? As a part of the transaction, was there any penalty for shrinkage, spillage, or loss? Did the arrangement acknowledge that spills would occur?
12. Provide names, addresses and telephone numbers of any individuals including former and current employees, who may be knowledgeable of Company X's operations and hazardous substances handling, storage and disposal practices.
13. State the date(s) on which the drums and/or hazardous substances were sent, brought or moved to the Site and the names, addresses and telephone numbers of the person(s) making arrangements for the drums to be sent, brought or moved to the Site.

### **PERMITS/REGISTRATIONS**

14. List all federal, state and local permits and/or registrations issued to Company X for the transport and/or disposal of materials.
15. Which shipments or arrangements were sent under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis or reasons for such difference.
16. Were all hazardous substances transported by licensed carriers to hazardous waste TSDFs permitted by the U.S. EPA?
17. List all federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.
18. Does your company or business have a permit or permits issued under RCRA? Does it have, or has it ever had, a permit or permits under the hazardous substance laws of the State of X? Does your company or business have an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification number(s) your company or business has.
19. Identify whether a Notification of Hazardous Waste Activity was ever filed with the EPA or the corresponding agency or official of the State of X, the date of such filing, the wastes described in such notice, the quantity thereof described in such notice, and the identification number assigned to such facility by EPA or the state agency or official.

### **RESPONDENT'S OPERATIONS**

20. Provide the correct name and addresses of your plants and other buildings or structures where Respondent carried out its operations (excluding locations where ONLY clerical/office work was performed).
21. Provide a schematic diagram or flow chart that fully describes and/or illustrates the Respondent's operations.
22. Provide a brief description of the nature of Respondent's operations at each location including:
  - a. the date such operations commenced and concluded; and
  - b. the types of work performed at each location, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.
23. If the nature or size of Respondent's operations changed over time, describe those changes and the dates they occurred.
24. List the types of raw materials used in Respondent's operations, the products manufactured, recycled, recovered, treated, or otherwise processed in these operations.
25. Provide copies of Material Safety Data Sheets (MSDS) for materials used in the Respondent's operations.
26. Provide any release reports that were taken pursuant to Section 103(a) of CERCLA and Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

27. Describe the cleaning and maintenance of the equipment and machinery involved in these operations, including but not limited to:
  - a. the types of materials used to clean/maintain this equipment/machinery; and
  - b. the monthly or annual quantity of each such material used.
28. Describe the methods used to clean up spills of liquid or solid materials during Respondent's operation, including but not limited to:
  - a. the types of materials spilled in Respondent's operations;
  - b. the materials used to clean up those spills;
  - c. the methods used to clean up those spills; and
  - d. where the materials used to clean up those spills were disposed of.

**RESPONDENT'S WASTE AND WASTE STREAMS  
(INCLUDING BY-PRODUCTS)**

29. Complete the enclosed "Waste Survey," checking each substance present in Respondent's wastes or by-products and providing all requested information for each such substance that is checked.
30. For each type of waste (including by-products) from Respondent's operations, including but not limited to all liquids, sludges, and solids, provide the following information:
  - a. its physical state;
  - b. its nature and chemical composition;
  - c. its color;
  - d. its odor;
  - e. the approximate monthly and annual volumes of each type of waste (using such measurements as gallons, cubic yards, pounds, etc.); and
  - f. the dates (beginning & ending) during which each type of waste was produced by Respondent's operations.
31. Provide a schematic diagram that indicates which part of Respondent's operations generated each type of waste, including but not limited to wastes generated by cleaning and maintenance of equipment and machinery and wastes resulting from spills of liquid materials.
32. Describe how each type of waste was collected and stored at Respondent's operation prior to disposal/recycling/ sale/transport, including:
  - a. the type of container in which each type of waste was placed/stored; and
  - b. where each type of waste was collected/stored.

**RESPONDENT'S DISPOSAL/TREATMENT/STORAGE/RECYCLING/SALE OF WASTE (INCLUDING BY-PRODUCTS)**

33. Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management.
34. Describe the containers used to take each type of waste from Respondent's operation, including but not limited to:
  - a. the type of container (e.g. 55 gal. drum, dumpster, etc.);
  - b. the colors of the containers;
  - c. any distinctive stripes or other markings on those containers;
  - d. any labels or writing on those containers (including the content of those labels);
  - e. whether those containers were new or used; and
  - f. if those containers were used, a description of the prior use of the containers.
35. For each type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling.
36. Provide copies of such contracts and other documents reflecting such agreements or arrangements.
  - a. State where Respondent sent each type of its waste for disposal, treatment, or recycling.
  - b. Identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request).
  - c. If Respondent transported any of its wastes away from its operations, please so indicate and answer all questions related to "Waste Carriers" with reference to Respondent's actions.
  - d. For each type of waste specify which Waste Carrier picked it up.
  - e. For each type of waste, state how frequently each Waste Carrier picked up such waste.
  - f. For each type of waste state the volume picked up by each Waste Carrier (per week, month, or year).
  - g. For each type of waste state the dates (beginning & ending) such waste was picked up by each Waste Carrier.
  - h. Provide copies of all documents containing information responsive to the previous seven questions.

- i. Describe the vehicles used by each Waste Carrier to haul away each type of waste including but not limited to:
  - i. the type of vehicle (e.g., flatbed truck, tanker truck, containerized dumpster truck, etc.);
  - ii. names or markings on the vehicles; and
  - iii. the color of such vehicles.
- j. Identify all of each Waste Carrier's employees who collected Respondent's wastes.
- k. Indicate the ultimate disposal/recycling/treatment location for each type of waste.
- l. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste.
- m. Describe how Respondent managed pickups of each waste, including but not limited to:
  - i. the method for inventorying each type of waste;
  - ii. the method for requesting each type of waste to be picked up;
  - iii. the identity of (see Definitions) the waste carrier employee/agent contacted for pickup of each type of waste;
  - iv. the amount paid or the rate paid for the pickup of each type of waste;
  - v. the identity of (see Definitions) Respondent's employee who paid the bills; and
  - vi. the identity of (see Definitions) the individual (name or title) and company to whom Respondent sent the payment for pickup of each type of waste.
- n. Identify the individual or organization (i.e., the Respondent, the Waste Carrier, or, if neither, identify such other person) who selected the location where each of the Respondent's wastes were taken.
- o. State the basis for and provide any documents supporting the answer to the previous question.
- p. Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:
  - i. the nature and chemical composition of each type of waste;
  - ii. the dates on which those wastes were disposed;
  - iii. the approximate quantity of those wastes disposed by month and year;
  - iv. the location to which these wastes drained (e.g. on-site septic system, on-site storage tank, pre- treatment plant, Publicly Owned Treatment Works (POTW), etc.); and
  - v. whether and what pretreatment was provided.



- q. Identify any sewage authority or treatment works to which Respondent's waste was sent.
- r. For all settling tank, septic system, or pretreatment system sludges or other treatment wastes resulting from Respondent's operations, complete the enclosed Waste Survey and respond to all previous questions of this Information Request with reference to such wastes.
- s. If not already provided, specify the dates and circumstances when Respondent's waste was taken to the Site, and identify the companies or individuals who brought Respondent's waste to the Site. Provide all documents which support or memorialize your response.

**RESPONDENT'S ENVIRONMENTAL REPORTING:**

- 37. Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.
- 38. Identify (see Definitions) all federal offices to which Respondent has sent or filed hazardous substance or hazardous waste information.
- 39. State the years during which such information was sent/filed.
- 40. Identify (see Definitions) all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information.
- 41. State the years during which such information was sent/filed.
- 42. List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.. [INSERT STATE LAWS AND REGS]
- 43. Identify the federal and state offices to which such information was sent.